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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,612

01/30/2004

Peter Gotz

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EXAMINER

TOTH, KAREN E

ART UNIT

PAPER NUMBER

3735

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	Application No. 10/767,612	Applicant(s) GOTZ ET AL.	
	Examiner Karen E. Toth	Art Unit 3735	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4, 6 and 9-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☒ Claim(s) 19 and 20 is/are allowed.  
 6) ☒ Claim(s) 1, 2, 4, 6, 9-18 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

2. Claims 1, 2, 4, 6, 15, 16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lia (US Patent Application Publication 2003/0114765).

Regarding claim 1, Lia discloses a blood pressure measuring apparatus comprising a pneumatic assembly (element 20) that is used for generation of pressure (paragraph [0024]) and an attached gage (element 30A). Said pneumatic assembly includes a depressible bulb (element 21) that is used to manually generate pressure by squeezing (paragraph [0030]) and a bleed valve (element 27; paragraph [0027]). The gage comprises a dial face with measurement indicia (paragraph [0020]). The apparatus may be connected to a sleeve (element 38) via a connector end (element 65A). The measuring cell and operating unit are connected to each other via a removable connecting element (port 105, 106, which receives a hose 19; paragraphs [0025], [0030]); the measuring cell and operating unit may be connected to each other in at least two predetermined positions with respect to each other, since the hose and port may be connected in a plurality of rotational positions.

Regarding claim 2, Lia further discloses that a holder end is provided and allocated for the measuring cell (left side of element 19, figure 4), and that the measuring cell may be detachably connected to the holder end.

Regarding claim 4, Lia further discloses that the measuring cell and operating unit may be connected to each other in two positions rotated 180° with respect to each other, since the port (elements 105, 106) and hose (element 19) may be connected in a plurality of rotational positions, including those rotated 180° with respect to each other.

Regarding claim 6, Lia further discloses that the measuring cell and the operating unit may be connected to each other by a plugging connection, by the hose (element 19) onto the barb (elements 105, 106) (paragraph [0030]).

Regarding claim 15, Lia further discloses that the measuring gage (element 30A) is removably held within a socket (element 34; paragraph [0029]), and may therefore be exchanged for alternate measuring gages that also fit within the provided socket. Additionally, the measuring gage is connected to the operating unit by a port; the hose (element 19) used to attach the operating unit may be attached to an alternate measuring gage having a similar port.

Regarding claim 16, Lia further discloses that the operating unit (element 20) comprises a valve with a release screw (element 27).

Regarding claim 18, Lia further discloses that the pressure generated by the pneumatic assembly (element 20) is generated by squeezing a depressible bulb (element 21; paragraph [0030]). The bulb is connected to the pneumatic assembly by a hose (element 19) that is slidably attached to a barb (element 106) on a receiving port (element 105) of the main socket (figure 4).

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3. Claims 11-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lia.

Regarding claim 11, Lia discloses all the elements of the current invention, as applied to claims 1, 3, 4, 7, 15, and 18 above, except for the identifying means for individualizing. The examiner takes official notice that it is well known in the medical field to identify or personalize a medical item. Doctors often identify their equipment to prevent misuse by others. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have identified or personalized the apparatus of Lia in order to prevent misuse by others.

Regarding claim 12, Lia discloses all the elements of the current invention, as described above, except for attaching the identifying means to a removable connecting element or bolting element that is used to connect the measuring cell and operating unit. The applicant has not stated that the location of the identifying means is for a particular purpose, or that it solves a stated problem. As such, the exact attachment location of the identification means would have been a mere matter of design choice for one skilled in the art.

Regarding claim 13, Lia discloses all the elements of the current invention, as described above, except for the connecting or bolting element being at least partially formed transparent. The examiner takes official notice that it is well known in the medical field to provide means for the identification of medical items, such as forming components at least partially of transparent material to allow identifying means to be securely contained underneath. It would have been obvious to one of ordinary skill in

the art at the time the invention was made to have partially formed the connecting or bolting element of the apparatus of Lia of transparent material in order to allow identification means to be attached to the apparatus.

Regarding claim 14, Lia discloses all the elements of the current invention, as described above, except for providing means on the connecting or bolting element for connecting to both the measuring cell and the operating unit. Lia further discloses that the port element (element 105, 106) that is used to join the operating cell (element 20) and the measuring gage (element 30A) further includes a barb (element 106) for joining the operating unit and the measuring cell (figure 4).

Regarding claim 17, Lia discloses all the elements of the current invention, as described above, except for using a spring bow clamping connection to hold the bleed valve screw in place. The applicant has not stated that the choice of a spring bow is for a particular purpose, or that it solves a stated problem. As such, the exact clamping mechanism would have been a mere matter of design choice for one skilled in the art.

4. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lia in view of Riester (US Patent 4416287).

Regarding claim 9, Lia discloses all the elements of the current invention, as described above, except for providing an elastic element between the measuring cell and the operating unit.

Riester teaches a hand-operated blood pressure measuring device comprising a measuring cell (element 1) that is detachably connected to an operating unit, which

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includes a rubber bulb pump for generating pressure and a discharge valve for regulating pressure (column 4, lines 7-14 – see figure 1), and may be attached to a blood pressure sleeve via a connector end (element 14). A valve washer (element 2), fabricated from an elastic (rubber) material (column 4, lines 56-59) is located between the pressure gauge (element 1) and the remainder of the operating unit (figure 1), in order to seal the connection and prevent leaks. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the apparatus of Lia and included an elastic element between the operating unit and measuring cell, as taught by Riester, in order to seal the connection and prevent leaks.

Regarding claim 10, Lia in view of Riester discloses all the elements of the current invention, as described above, except for the elastic element being arranged pressed between the measuring cell and the operating unit when the two are connected.

Riester further teaches that the valve washer is positioned between the pressure gauge (element 1) and the air outlet bushing (element 4) of the operating unit; the outlet bushing is screwed into place and thereby compresses the valve washer (column 4, lines 62-65), in order to tightly seal the connection. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the apparatus of Lia in view of Riester and arranged the elastic element so it is pressed between the operating unit and measuring cell, as taught by Riester, in order to tightly seal the connection.

***Allowable Subject Matter***

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to anticipate or make obvious the structure of claim 19, including, *inter-alia*, a hand-operated blood pressure measuring apparatus comprising a measuring cell and pressure display, a manual operating unit, and means for guiding the measuring cell and operating unit into at least two predetermined positions when connected to each other, where the guiding means comprises a groove, pin, or locking mechanism. Lia discloses a blood pressure measuring apparatus comprising a measuring cell and pressure display, and a manual operating unit, that may be connected to each other in a plurality of predetermined positions, but Lia does not disclose guiding means for guiding the measuring cell and operating unit into the predetermined positions.

The prior art of record fails to anticipate or make obvious the structure of claim 20, including, *inter-alia*, bolting a blood pressure measuring apparatus's measuring cell and operating unit to each other.

Lia discloses a blood pressure measuring apparatus with a measuring cell and operating unit that may be removably connected, but does not disclose the parts being bolted to each other.

***Response to Arguments***



6. Applicant's arguments filed 1 February 2007 have been fully considered but they are not persuasive.

Regarding Applicants arguments concerning Lia, Applicant contends that element 65A of Lia is not a connector end in the context of the present application. The Examiner disagrees, because the present application describes a "connector end" as a having a "tubular shape and open[ing] outwards" (Applicant's paragraph [00030]), which is a description that can also be applied to the connector end 65A of Lia, which in the current context may be considered to be a part of the operating unit. Applicant has also argued that there is no indication that Lia's gage (element 30A, as cited in the previous action, not element 80 that applicant has chosen to argue) is removably connected to connector end 65A. However, the term "removably" is not particularly limiting, since the elements may be removed and separated from each other, and may therefore be considered to be connected by a removable connecting element; the alternate option of a bolting element is not relevant, since only one of the connection options are needed. Finally, Applicant argues that Lia's gage and connector end may not be connected in a plurality of predetermined positions; however, since the gage may be rotated in any direction when connecting (to a predetermined point), it may be considered to connect in a plurality of predetermined positions.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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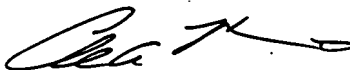
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen E. Toth whose telephone number is 571-272-6824. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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